

LANDA et al.

Appl. No. To be Assigned

March 29, 2004

REMARKS

This application is a Divisional of Application No. 10/457,552, filed June 10, 2003, which is a divisional of 10/056,051, filed January 28, 2002, the entire contents of which are incorporated by reference into this application.

Claims 1-78 have been canceled. New claims 79-92 have been added. Thus, claims 79-92 are now pending. There should be no double patenting issues in view of the Restriction Requirements in the parent cases.

In contrast to claim 79, JP 7-109147 cited in the parent is directed toward borosilicate glass that is used as a fire-resistant window glass. In this regard, JP 7-109147 has very little or no CaO and Na₂O. Thus, it can be seen that JP 7-109147 is directed toward an entirely different type of glass than that called for in claim 79. In particular, JP 7-109147 fails to disclose or suggest a soda-lime-silica based glass that includes from 10-20% Na₂O and from 5-15% CaO. The borosilicate glass of JP 7-109147 is completely different than the glass of claim 79, and is unsuitable for applications in which the claimed glass is to be used.

Additionally, the Nagashima art (US 6,461,736 and 6,548,434) cited in the parent also fails to disclose or suggest the invention of claim 79. Claim 79 requires from 0.01 to 0.30% erbium oxide. The instant application explains, for example, that it has surprisingly been found that this amount of erbium oxide can be used in a soda-lime-silica based glass in order to compensate for color to allow a highly transmissive and clear-colored glass to be provided. Nagashima (both '736 and '434) fail to disclose or

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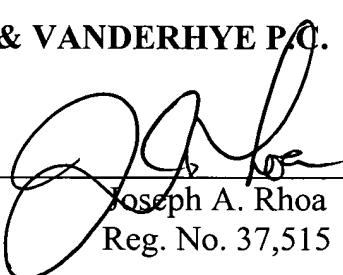
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suggest the claimed amount of erbium oxide. Instead, for example and without limitation, Nagashima '434 teaches directly away from the invention of claim 79 because Nagashima uses significant amounts of cobalt and selenium to compensate for color – but not erbium. Thus, it can be seen that Nagashima fails to disclose or suggest the invention of claim 79.

All claims are respectfully submitted to be in condition for allowance.

Respectfully submitted,

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